

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM RAY ROGERS,

Plaintiff,

v.

ROXANA CHURCH OF THE NAZARENE,

Defendant.

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Case No.: _____

JURY TRIAL DEMAND

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, The Church Roxana Church of the Nazarene (the “Church”), by and through its undersigned counsel, Mathis, Marifian & Richter, Ltd., hereby gives notice of removal of the above-captioned case from the Circuit Court for the Third Judicial Circuit, Madison County, Illinois, to the United States District Court for the Southern District of Illinois. As grounds for removal, The Church states:

INTRODUCTION

1. On or about April 23, 2024, Plaintiff William Rogers (“Plaintiff”) commenced this action against the Church by filing a Complaint in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois, cause number 24-MR-124 (the “Complaint”). A copy of the Complaint was served on the Church on May 20, 2024 and is attached hereto as **Exhibit 1**.

2. Plaintiff’s Complaint appears to proceed in one count alleging that Plaintiff wrongfully terminated Plaintiff’s membership in the Church pursuant to the Church’s internal ecclesiastical rules and laws.

3. Plaintiff appears to seek relief in the form of a judgment declaring the Church’s termination of his membership void and enjoining the Church from terminating Plaintiff.

4. The Church is removing this matter based on federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

FEDERAL QUESTION JURISDICTION PURSUANT TO 28 U.S.C. §1331 EXISTS

5. The district courts have original jurisdiction over this case pursuant to 28 U.S.C. §1331 as the case Plaintiff's claims raise issues governed by the United States Constitution and federal law.

6. The First Amendment to the United States Constitution mandates that religious organizations must retain the power to decide matters of church government, free from state interference. *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 186, 132 S. Ct. 694, 704, 181 L. Ed. 2d 650 (2012)

7. The Church is an ecclesiastical body with its own internal laws of church government, including rules for the governance of church membership.

8. Because Plaintiff's church membership was terminated pursuant to its internal ecclesiastical laws, Plaintiff's claims are governed by the First Amendment.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN MET

9. 28 U.S.C. §1441 provides the right to remove a case from state court if that case could have originally been filed in federal court. In particular, "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where the action is pending." 28 U.S.C. §1441(a).

10. As previously discussed, federal question jurisdiction exists over this case, and it could have been brought in federal court, making removal proper.

11. This Notice of Removal is timely filed within thirty days of the Church's receipt of the Complaint as provided by 28 U.S.C. §1446(b).

12. The Church has filed a Notice of Removal ("Notice") with the Clerk of the Circuit Court for the Third Judicial Circuit, Madison County, Illinois. A copy of the Notice (without exhibits) is attached as **Exhibit 2**.

13. All documents other than the Complaint and Notice of Removal are contained in the file of the Clerk of the Circuit Court for the Third Judicial Circuit, Madison County, Illinois, and are filed herewith as **Exhibit 3**.

WHEREFORE, Defendant respectfully removes this action from the Circuit Court for the Third Judicial Circuit, Madison County, Illinois to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

MATHIS MARIFIAN & RICHTER, LTD.

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Attorneys for Defendant,
Roxana Church of the Nazarene

CERTIFICATE OF SERVICE

This is to certify that a copy hereof was served upon Plaintiff by first class mail, postage prepaid, addressed as follows:

William Rogers
268 South 8th
Wood River, IL 62095

/s/Laura E. Schrick